



Retention Guidelines for Limited English Proficient (LEP) Students

The landmark court case *Lau v. Nichols* upheld Title VI policy stating: “There is not equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.” School corporations are required to take affirmative steps to rectify the language deficiency in order to open up their programs to LEP students (*OCR, “Identification of Discrimination and Denial of Services on the Basis of National Origin”, July 1970*). Therefore, retention of an LEP student **should not** be based solely upon their level of English language proficiency.

Prior to considering retention of an LEP student, the following points should be addressed in an Individual Learning Plan (ILP) meeting comprised of the student’s teacher(s), ESL staff member(s), administrator(s), and the student’s parents/guardians. Documentation and results of the ILP meeting must be kept in the student’s cumulative folder.

1. Has the student’s level of English language proficiency been assessed?

Newly-enrolled students must be assessed for identification as LEP using the LAS Links Placement assessment within thirty (30) days of enrollment at the beginning of the school year or within two (2) weeks during the school year. Each spring, all LEP students must participate in the LAS Links English proficiency assessment.

2. How long has the student been enrolled in the school corporation?

The ILP committee should consider the length of time a student has been enrolled in the school corporation in order to determine whether retention is an appropriate choice.

3. Has the student’s parent(s)/guardian(s) been contacted if the student is not performing at grade level?

The student’s parent(s)/guardian(s) should be contacted when a student is not performing at grade level. All communication should be documented and in the parent(s)/guardian(s) native language. Documentation may include phone calls, progress reports, report cards, sample work, etc.

4. Has the Individual Learning Plan (ILP) or another source to document classroom modifications and adaptations been implemented?

Every LEP student is required to have an Individual Learning Plan (ILP) or localized form for documenting modifications and adaptations. Teachers are required to have copies of ILP’s for any student that they have and all modifications and adaptations must be followed. It is important to ensure that the ILP has been fully implemented and documentation has been provided for any changes or updates made to the ILP. The ILP is a fluid document that should be re-visited and updated as new data becomes available but not less than once per school year.

5. How much individual English language development instruction is the student receiving throughout the school day?

An LEP student should be receiving English language development throughout the school day via a push-in, pull-out or an ENL course specifically designed to support language development.

6. Is there sufficient screening and progress monitoring data to show that the student is below grade level?

There must be a collection of multiple data points showing that an LEP student is consistently failing to meet grade level expectations on screening and progress monitoring instruments. Retention decisions for LEP students should not be based on one specific piece of data.

If the above points have not occurred in a sufficient manner and have not been documented, retention is not appropriate. The decision to retain a student should be based on several pieces of criterion to determine if retention is appropriate. For any questions, please contact the Office of English Learning and Migrant Education at 317-232-0555.